United Nations S/2012/491

Security Council

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The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 1 June 2012 (S/2012/392) attaching a letter from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 21 May 2012,

Recalling its resolution 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and its previous resolutions concerning the International Tribunal,

Recalling also its resolution 1966 (2010) of 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals ("the Mechanism") and requesting the International Tribunal to take all possible measures to expeditiously complete all its remaining work no later than 31 December 2014, prepare its closure and ensure a smooth transition to the Mechanism,

Recalling further that the branch of the Mechanism for the International Criminal Tribunal for Rwanda shall commence functioning on 1 July 2012 and welcoming the preparatory steps that have been taken in this regard,

Taking note of the assessments by the International Tribunal in its Completion Strategy Report (S/2012/349), and the updated trial and appeals schedule,

Noting the successful referral of cases to Rwanda for prosecution, and emphasizing the importance of ensuring appropriate monitoring of the referred cases and respecting at all times the rights of accused persons transferred from the International Tribunal to Rwanda,

Noting that one permanent judge will be redeployed from the Trial Chamber to the Appeals Chamber and five ad litem judges will leave the International Tribunal before 30 June 2012, on the completion of the cases to which they are assigned,

Noting the concerns expressed by the President and Prosecutor of the International Tribunal about staffing, and reaffirming that staff retention is essential for the timely completion of the International Tribunal's work,

Noting with concern that the International Tribunal continues to face problems in the relocation of acquitted persons and convicted persons who have completed serving their sentences, and emphasizing the importance of successful relocation of such persons,

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Urging the International Tribunal to take all possible measures to complete its work expeditiously as requested in resolution 1966 (2010),

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that, notwithstanding the expiry of their term of office on 30 June 2012, Judge William H. Sekule (United Republic of Tanzania), Judge Solomy Balungi Bossa (Uganda) and Judge Mparany Mamy Richard Rajohnson (Madagascar) may continue, on an exceptional basis, to serve at the International Tribunal until 31 December 2012 or until the completion of the *Ngirabatware* case which they began before the expiry of their term of office, while taking note of the intention of the International Tribunal to complete the *Ngirabatware* case by 31 December 2012;

2. *Takes note* of the intention of the International Tribunal to complete all remaining judicial work by 31 December 2014 and *decides*, bearing in mind the expiry of his term of office on 30 June 2012, to extend the term of office of Judge Vagn Joensen (Denmark), on an exceptional basis, until 31 December 2014 so that he may continue to perform the functions required of him as trial judge and President of the International Tribunal, to complete the work of the Tribunal and expresses its intention to review this decision in June 2013;

3. *Requests* the International Tribunal to report to the Security Council, as a part of its pending report to the Security Council on the Completion Strategy pursuant to resolution 1534 (2004) of 26 March 2004, on the projected schedule of the coordinated transition of functions of the International Tribunal to the Mechanism pursuant to articles 5 and 6 of the Transitional Arrangements annexed to resolution 1966 (2010) of 22 December 2010 with concrete estimated dates, taking into account that the branch for the ICTR of the International Residual Mechanism for Criminal Tribunals commences functioning on 1 July 2012, with a view to completing all remaining work in the International Tribunal and its closure as early as possible and no later than 31 December 2014;

4. *Reiterates* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* relevant United Nations bodies to intensify cooperation with the Secretariat and the Registrar of the International Tribunal and to take a flexible approach in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

5. *Urges* all States, especially States where fugitives are suspected to be at large, to intensify further their cooperation with and render all necessary assistance to the International Tribunal, in particular to achieve the arrest and surrender of all remaining fugitives as soon as possible;

6. *Commends* States that have accepted the relocation of acquitted persons or convicted persons who have completed serving their sentences to their territories, and *reiterates* its call upon all States in a position to do so to cooperate with and render all necessary assistance to the International Tribunal for its increased efforts towards the relocation of acquitted persons and convicted persons who have completed serving their sentences;

7. *Decides* to remain seized of the matter.